

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carlmais Johnson	Team: Squad #12	CCRB Case #: 201707718	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/30/2017 7:14 PM	Location of Incident: § 87(2)(b)	Precinct: 122	18 Mo. SOL 2/28/2019	EO SOL 2/28/2019	
Date/Time CV Reported Tue, 09/19/2017 2:49 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 09/19/2017 2:49 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jack Dagnese	05139	948842	NARCBSI
2. SGT Nikolaos Stefopoulos	04686	944294	NARCBSI
3. POM Ivan Koval	28951	954030	NARCBSI

Officer(s)	Allegation	Investigator Recommendation
A.SGT Nikolaos Stefopoulos	Abuse: Sergeant Nikolaos Stefopoulos stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POM Jack Dagnese	Abuse: Police Officer Jack Dagnese stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
C.POM Ivan Koval	Abuse: Police Officer Ivan Koval stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
D.POM Jack Dagnese	Force: Police Officer Jack Dagnese pointed his gun at § 87(2)(b) and § 87(2)(b)	
E.SGT Nikolaos Stefopoulos	Abuse: Sergeant Nikolaos Stefopoulos stopped § 87(2)(b)	
F.SGT Nikolaos Stefopoulos	Abuse: Sergeant Nikolaos Stefopoulos searched § 87(2)(b)	
G.SGT Nikolaos Stefopoulos	Abuse: Sergeant Nikolaos Stefopoulos frisked § 87(2)(b)	
H.SGT Nikolaos Stefopoulos	Abuse: Sergeant Nikolaos Stefopoulos strip-searched § 87(2)(b)	
I.POM Jack Dagnese	Abuse: Police Officer Jack Dagnese frisked § 87(2)(b)	
J.POM Jack Dagnese	Abuse: Police Officer Jack Dagnese strip-searched § 87(2)(b)	
K.POM Ivan Koval	Abuse: Police Officer Ivan Koval searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
L.POM Ivan Koval	Abuse: Police Officer Ivan Koval frisked § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
M.POM Ivan Koval	Abuse: Police Officer Ivan Koval searched § 87(2)(b)	
N.POM Ivan Koval	Abuse: Police Officer Ivan Koval frisked § 87(2)(b)	
O.POM Ivan Koval	Abuse: Police Officer Ivan Koval searched § 87(2)(b)	
P.SGT Nikolaos Stefopoulos	Abuse: Sergeant Nikolaos Stefopoulos searched the vehicle in § 87(2)(b) and § 87(2)(b) were occupants.	
Q.POM Jack Dagnese	Abuse: Police Officer Jack Dagnese searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	

Case Summary

On September 19, 2017, § 87(2)(b) filed this complaint with the CCRB on behalf of himself, § 87(2)(b) and § 87(2)(b)

At approximately 7:14 PM on August 30, 2017, § 87(2)(b) and § 87(2)(b) were seated inside of § 87(2)(b)'s vehicle in front of § 87(2)(b) in Staten Island. § 87(2)(b) who lived at § 87(2)(b) briefly entered and exited § 87(2)(b)'s vehicle and § 87(2)(b) began to leave the area. Sergeant Nikolaos Stefopoulos of the Staten Island Narcotics Bureau decided to stop the vehicle, and Police Officer Jack Dagnese and Police Officer Ivan Koval stopped it before it left the area (**Allegation A: Abuse of Authority, § 87(2)(g)**; **Allegation B and Allegation C: Abuse of Authority, § 87(2)(g)**). Sgt. Stefopoulos left the other officers to finish conducting the vehicle stop as he went to § 87(2)(b). After Sgt. Stefopoulos ran to § 87(2)(b) PO Dagnese pointed his firearm at § 87(2)(b)'s vehicle in order to stop it (**Allegation D: Abuse of Authority, § 87(2)(g)**). Inside § 87(2)(b) Sgt. Stefopoulos stopped § 87(2)(b) (**Allegation E: Abuse of Authority, § 87(2)(g)**). Sgt. Stefopoulos frisked § 87(2)(b) (**Allegation F: Abuse of Authority, § 87(2)(g)**), and searched § 87(2)(b) (**Allegation G: Abuse of Authority, § 87(2)(g)**). After frisking and searching § 87(2)(b) Sgt. Stefopoulos strip searched § 87(2)(b) (**Allegation H: Abuse of Authority, § 87(2)(g)**). Sgt. Stefopoulos returned to the vehicle stop where PO Dagnese and PO Koval were. PO Dagnese frisked § 87(2)(b) (**Allegation I: Abuse of Authority, § 87(2)(g)**) and strip-searched him (**Allegation J: Abuse of Authority, § 87(2)(g)**). PO Koval searched § 87(2)(b)'s vehicle (**Allegation K: Abuse of Authority, § 87(2)(g)**). PO Koval frisked and searched § 87(2)(b) and § 87(2)(b) (**Allegation L, M, N, and O: Abuse of Authority, § 87(2)(g)**). After the civilians were frisked, Sgt. Stefopoulos and PO Dagnese searched § 87(2)(b)'s vehicle (**Allegation P and Allegation Q: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) were arrested for § 87(2)(b), § 87(2)(a) 160.50. § 87(2)(b) was released with a Desk Appearance Ticket, while § 87(2)(b) and § 87(2)(b) were released the following day.

This case contains video evidence, which can be found at Board Review 01. The video evidence was provided to the CCRB by § 87(2)(b)

Findings and Recommendations

Allegation A—Abuse of Authority: Sergeant Nikolaos Stefopoulos stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) testified to the CCRB that at approximately 7:14 PM on August 30, 2017, he drove himself, § 87(2)(b) and § 87(2)(b) to § 87(2)(b) in his silver § 87(2)(b) sedan with dark tints on all windows. § 87(2)(b) drive to § 87(2)(b) in order to meet with § 87(2)(b) who owed him \$100 dollars due to a bet the friends had made earlier. § 87(2)(b) parked outside of § 87(2)(b) and waited less than a minute for § 87(2)(b) to appear from the building and enter the backseat of § 87(2)(b)'s vehicle. § 87(2)(b) handed § 87(2)(b) \$100 dollars and stayed in his vehicle for approximately 30 seconds to one minute before he exited again and walked toward § 87(2)(b). Nothing else was passed between § 87(2)(b) and any other occupant of the vehicle except the \$100 and none of the occupants

handed anything to each other. Immediately after § 87(2)(b) left the vehicle, § 87(2)(b) began to drive himself out of the parking area at § 87(2)(b). However, § 87(2)(b)'s vehicle was cut off by an unmarked Dodge Caravan with Sgt. Stefopoulos, PO Dagnese, and PO Koval (Board Review 02 and Board Review 26). § 87(2)(b) and § 87(2)(b)'s testimonies were similar to § 87(2)(b)'s testimony (Board Review 03, Board Review 04, and Board Review 05).

Sgt. Stefopoulos testified at the CCRB that he, PO Dagnese, and PO Koval were parked outside of § 87(2)(b) because of a narcotics complaint they had received. They observed § 87(2)(b)'s vehicle approach the building and park in front of it and approximately 50 yards from the officers' position. Sgt. Stefopoulos recognized the vehicle as one that was involved in a previous narcotics related arrest. Although the windows of the vehicle were tinted, Sgt. Stefopoulos could see silhouettes inside the vehicle because it was daylight at that time. Sgt. Stefopoulos could see that § 87(2)(b) gave one of the occupants of the vehicle United States currency, and that he was handed back an item. At that time, Sgt. Stefopoulos could not see what § 87(2)(b) had been given. When § 87(2)(b) exited the vehicle, Sgt. Stefopoulos paid particular attention to his hands in order to determine what he had just been given. Sgt. Stefopoulos observed that § 87(2)(b) exited the vehicle with a 5" by 5" square bag filled with a green leafy substance which Sgt. Stefopoulos thought was marijuana. Sgt. Stefopoulos determined that he had witnessed a hand-to-hand transaction because of his observations and because of the narcotics prone location, the vehicle's past involvement with narcotics activity, and because § 87(2)(b) immediately concealed the item which he had been given and Sgt. Stefopoulos suspected was narcotics. As § 87(2)(b) began to walk back to the entrance of § 87(2)(b), § 87(2)(b) Sgt. Stefopoulos instructed PO Dagnese and PO Koval to stop § 87(2)(b)'s vehicle (Board Review 06).

PO Dagnese testified that what brought his attention to § 87(2)(b)'s vehicle were the tinted windows. After § 87(2)(b) parked his vehicle, PO Dagnese observed § 87(2)(b) enter the vehicle. PO Dagnese could not see what happened inside the vehicle, but when § 87(2)(b) exited the vehicle he saw § 87(2)(b) cupping an object by his waistband that he then placed into his waistband. PO Dagnese could not see what the object was, but he thought it was a firearm because of the way in which § 87(2)(b) carried the object and the way it seemed to be weighing on § 87(2)(b) (Board Review 10). In his testimony to the CCRB, PO Koval stated that he made the same observations that PO Dagnese made (Board Review 11).

Property Voucher § 87(2)(b) shows that § 87(2)(b)'s vehicle, which was listed as arrest evidence, was vouchered for forfeiture in connection with a narcotics related arrest approximately one month earlier on § 87(2)(b) (Board Review 07).

Property Voucher § 87(2)(b) was generated for one ziplock bag of marijuana. The voucher notes that it was recovered from the trash compactor at § 87(2)(b) during the arrest (Board Review 14).

UF 61 #§ 87(2)(b) shows that the officers were at the location while investigating a narcotics complaint. The complainant stated that narcotics were being sold out of a building at the Todt Hill NYCHA complex (Board Review 08).

People v. Murphy, 267 A.D. 2d 254 (1999), held that given an officer's training and experience, he had reasonable suspicion to stop an individual after seeing the individual exchange currency for a small item in a drug prone location (Board Review 09).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation B—Abuse of Authority: Police Officer Jack Dagnese stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation C—Abuse of Authority: Police Officer Ivan Koval stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b)'s testimony regarding the vehicle stop is noted above. The information relevant for the analysis below is the same.

PO Dagnese testified that what brought his attention to § 87(2)(b)'s vehicle were the tinted windows. After § 87(2)(b) parked his vehicle, PO Dagnese observed § 87(2)(b) enter the vehicle. PO Dagnese could not see what happened inside the vehicle, but when § 87(2)(b) exited the vehicle he saw that § 87(2)(b) was cupping an object by his waistband and then placed the object into his waistband. PO Dagnese could not see what the object was, but he thought it was a firearm. PO Dagnese thought it was a firearm because the way in which § 87(2)(b) carried the object and the way it seemed to be weighing on § 87(2)(b) § 87(2)(b) walked back to § 87(2)(b) and § 87(2)(b) began to drive away from the area. When § 87(2)(b) left his parking space, PO Dagnese decided to conduct a pre-textual stop for traffic infractions in order to investigate further (Board Review 10). As noted above, PO Dagnese' observations were not supported by Sgt. Stefopoulos.

PO Koval made the same observations that PO Dagnese made. PO Koval added that the vehicle was stopped for a traffic infraction; PO Koval did not recall what the traffic infraction was, but thought that it was the tinted windows (Board Review 11).

Section 375 (12-a) of the NYS Vehicle and Traffic Law states that excessively tinted windows constitute a traffic violation (Board Review 12).

People v Robinson, 97 N. Y. 2d 341(2001), held that officers can make traffic stops if they have obtained probable cause that a traffic violation has been committed, regardless of their intention after the stop (Board Review 13).

§ 87(2)(g)

Allegation D—Abuse of Authority: Police Officer Jack Dagnese pointed his gun at § 87(2)(b) and § 87(2)(b)

When he testified to the CCRB, § 87(2)(b) stated that after § 87(2)(b)'s vehicle was stopped and § 87(2)(b) went back to § 87(2)(b) Sgt. Stefopoulos ran to § 87(2)(b) after § 87(2)(b) PO Dagnese and PO Koval stayed at § 87(2)(b)'s vehicle. PO Dagnese withdrew his firearm and pointed at § 87(2)(b)'s vehicle while shouting something which § 87(2)(b) could not recall. PO Dagnese then placed his firearm back into the holster and approached § 87(2)(b)'s vehicle with PO Koval (Board Review 04).

Neither § 87(2)(b) nor § 87(2)(b) made mention of PO Dagnese pointing his firearm at the vehicle (Board Review 02 and Board Review 03).

PO Dagnese denied pointing as firearm at the vehicle at that time or in order to get the vehicle to stop (Board Review 10). PO Koval also denied that PO Dagnese had done so (Board Review 11).

§ 87(2)(g)

Allegation E—Abuse of Authority: Sergeant Nikolaos Stefopoulos stopped § 87(2)(b)
Allegation F—Abuse of Authority: Sergeant Nikolaos Stefopoulos searched § 87(2)(b)

Allegation G—Abuse of Authority: Sergeant Nikolaos Stefopoulos frisked § 87(2)(b)

All parties agree that § 87(2)(b) was originally inside of the vehicle when money was passed between the civilians. It is also undisputed that Sgt. Stefopoulos searched and frisked § 87(2)(b) inside of § 87(2)(b)

§ 87(2)(b) testified that after he walked out of § 87(2)(b)'s vehicle he walked back to § 87(2)(b) on his way back to his apartment. § 87(2)(b) entered the lobby and rang the elevator door when Sgt. Stefopoulos entered the lobby and asked him what he had just bought from § 87(2)(b) § 87(2)(b) told Sgt. Stefopoulos that he had not bought anything. Sgt. Stefopoulos had § 87(2)(b) place his hands on a wall, and then placed his hands inside § 87(2)(b)'s pants, searching around his thighs, and placed his hands inside his pants pockets. Sgt. Stefopoulos next frisked both of his legs. After searching and frisking § 87(2)(b) Sgt.

Stefopoulos told § 87(2)(b) that he was being detained until they could figure out what was going on. § 87(2)(b) was not placed in handcuffs until after Sgt. Stefopoulos brought him back to the site of the vehicle stop and officers conducted a search of § 87(2)(b) vehicle (Board Review 05).

As discussed in Allegation A-C, Sgt. Stefopoulos – the supervisor of a narcotics unit – stated that the officers were in possession of a narcotics complaint about the location, he recognized § 87(2)(b) s vehicle as having been involved in a previous narcotics arrest, and he observed an exchange of money for an unknown item. He stated that when § 87(2)(b) exited the vehicle, he observed that he was in possession of a bag of marijuana. Sgt. Stefopoulos also testified to the CCRB that after he saw § 87(2)(b) exit § 87(2)(b) s vehicle with the bag, he decided to place him and the other civilians under arrest for purchasing and selling narcotics. Sgt. Stefopoulos ran to § 87(2)(b) by himself after § 87(2)(b). When Sgt. Stefopoulos reached the front door, § 87(2)(b) was standing at the door to the building’s trash chute. Sgt. Stefopoulos observed § 87(2)(b) remove the bag from his waistband and throw the bag into the trash compactor. He made this observation through a wire and glass viewport on the door of the building. Upon making this observation, Sgt. Stefopoulos was certain that the bag contained marijuana. Sgt. Stefopoulos walked with § 87(2)(b) back to the site of the vehicle stop without § 87(2)(b) being placed in handcuffs. Sgt. Stefopoulos affirmed that when he entered the building, he frisked § 87(2)(b) s body and then searched § 87(2)(b) s front and back pants pockets and waistband. Sgt. Stefopoulos also lifted § 87(2)(b) s belly to view his waistband. Sgt. Stefopoulos denied reaching into § 87(2)(b) s pants to search around his thighs. Nothing was recovered as a result of the search. After searching § 87(2)(b) Sgt. Stefopoulos and § 87(2)(b) returned to the site of the vehicle stop. He stated that the search of § 87(2)(b) and subsequent searches of the occupants of the vehicle were because they were under arrest and because he later sensed the odor of marijuana at the stopped vehicle (Board Review 06).

While Officers Dagnese and Koval believed they saw a gun exchanged for money, rather than marijuana, they both stated that they never had a discussion with Sgt. Stefopoulos or each other about what exactly was exchanged, just that an exchange had occurred (Board Review 10 and Board Review 11). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

During a video recording of a conversation Sgt. Stefopoulos had with the civilians, Sgt. Stefopoulos appears to characterize the interaction as a “detention.” The video, taken by § 87(2)(b) depicts § 87(2)(b) attempting to make a cell phone call while standing near the stopped vehicle. Sgt. Stefopoulos directs § 87(2)(b) to disconnect the call by saying, “You’re detained. Get off the phone.” After repeating that § 87(2)(b) was being detained, he added, “You’re detained for narcotics transactions.” When § 87(2)(b) asked why they were being detained for this offense, Sgt. Stefopoulos states, “You pulled up, he gave you a hundred dollars, and he left, and your car reeks of marijuana. We were watching you and we saw all of that.” When § 87(2)(b) asks Sgt. Stefopoulos, “Where’s the weed,” Sgt. Stefopoulos responded, “Okay, we’re going to look for it now. That’s what we’re doing” (Board Review 01).



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§ 87(2)(g) he consistently asserted during his CCRB statement that he had probable cause to arrest § 87(2)(b) at the point he approached him.

In People v. Murphy, the courts have held that an officer can draw reasonable suspicion to stop an individual after seeing an exchange of currency for an item believed to be narcotics (Board Review 09).

People v. Schlaich, 218 A.D.2d 398, 640 N.Y.S.2d 885, 1996 N.Y. App. Div. LEXIS 3875, citing People v. Graham, 211 A.D.2d 55, 626 N.Y.S.2d 95, 1995 N.Y. App. Div. LEXIS 4658, notes that the courts have held that “in a probable cause analysis, the emphasis should not be narrowly focused on a recognizable drug package or any other single factor, but on an evaluation of the totality of the circumstances.” In the fact pattern underlying People v. Schlaich, the courts held that probable cause can be established through the totality of circumstances including training and experience in the observation of hand-to-hand transactions, the drug-prone nature of the location, and time of day even when “the objects (or their packaging) transferred in the observed transaction cannot be precisely identified from a distance.”

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation H—Abuse of Authority: Sergeant Nikolaos Stefopoulos strip-searched § 87(2)(b)

[REDACTED]
In his testimony to the CCRB, § 87(2)(b) stated that as Sgt. Stefopoulos searched him inside the lobby of § 87(2)(b) he directed him to hold his waistband outward. The lobby of § 87(2)(b) was open to the residents of the building and protected by a passcode. § 87(2)(b) did not recall what was exposed as a result of him doing so. Sgt. Stefopoulos continued to search his thighs after that point (Board Review 05). Although § 87(2)(b) did not recall what was exposed as a result of him pulling out his waistband, his undergarments or skin would have been exposed had he done so.

Sgt. Stefopoulos denied ordering § 87(2)(b) to hold his waistband outward while searching him (Board Review 06). Neither PO Dagnese nor PO Koval were present when Sgt. Stefopoulos searched § 87(2)(b)

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation I—Abuse of Authority: Police Officer Jack Dagnese frisked § 87(2)(b)
Allegation K—Abuse of Authority: Police Officer Ivan Koval searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.
Allegation L—Abuse of Authority: Police Officer Ivan Koval frisked § 87(2)(b)
Allegation M—Abuse of Authority: Police Officer Ivan Koval searched § 87(2)(b)
Allegation N—Abuse of Authority: Police Officer Ivan Koval frisked § 87(2)(b)
Allegation O—Abuse of Authority: Police Officer Ivan Koval searched § 87(2)(b)
Allegation P—Abuse of Authority: Sergeant Nikolaos Stefopoulos searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.
Allegation Q—Abuse of Authority: Police Officer Jack Dagnese searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) testified to the CCRB that his vehicle did not smell like marijuana, and no one had recently smoked marijuana in his vehicle. After his vehicle was stopped, PO Koval ordered him out of the vehicle. § 87(2)(b) stood at the side of his vehicle while PO Koval frisked him around his legs, torso, and waistband. Nothing was recovered from § 87(2)(b) and PO Koval moved on and searched the trunk of § 87(2)(b)'s vehicle. After searching the trunk for approximately 45 seconds, PO Koval frisked and searched § 87(2)(b) although § 87(2)(b) was unaware of where § 87(2)(b) was frisked and searched. PO Dagnese then searched the glove box of § 87(2)(b)'s vehicle and then the area around the front driver and passenger's seats. After PO Dagnese completed his search of the vehicle, Sgt. Stefopoulos, who had returned to the scene with § 87(2)(b) searched § 87(2)(b)'s vehicle. § 87(2)(b) was unsure of where Sgt. Stefopoulos searched his vehicle, because he could only see out of his peripheral vision (Board Review 02 and Board Review 26).

§ 87(2)(b) testified to the CCRB that he was wearing multiple layers of pants on the date of incident. PO Koval frisked § 87(2)(b)'s waistband of his outermost layer and then pulled the pants down to frisk the second waistband of his sweatpants and to search the pockets of the sweatpants. § 87(2)(b) stated that § 87(2)(b)'s vehicle did not smell like marijuana (Board Review 03).

§ 87(2)(b) testified to the CCRB that PO Koval frisked his legs from his ankles to his thighs and his chest and then searched his pockets. PO Koval then searched § 87(2)(b)'s thighs on the inside of his undergarments. Nothing was recovered from § 87(2)(b) stated that there were no narcotics in § 87(2)(b)'s vehicle and no one had smoked marijuana inside the vehicle (Board Review 04).

PO Dagnese testified to the CCRB that when he approached § 87(2)(b)'s vehicle he ordered § 87(2)(b) to roll down the windows of his vehicle and § 87(2)(b) did so. PO Dagnese was then able to smell the odor of raw marijuana emanating from § 87(2)(b)'s vehicle. PO Dagnese ordered § 87(2)(b) to step out of his vehicle. When he did so, PO Dagnese observed flakes of marijuana in the side compartments of the vehicle. PO Dagnese thought that there was marijuana in the vehicle and on the individuals because of the smell of marijuana and the marijuana flakes he observed. PO Dagnese frisked § 87(2)(b)'s waistband and pants pockets. PO Dagnese then searched all open areas of the vehicle including the door compartments, cup holders, the seats, the

glove box, center console, trunk, and any other area accessible to him. PO Dagnese recovered a backpack. The backpack had nothing inside of it, but it emanated a strong smell of raw marijuana (Board Review 10).

PO Koval also testified that he smelled the odor of raw marijuana emanating from § 87(2)(b)'s vehicle upon approach. PO Koval stated that he did not recall if he frisked or searched any of the individuals at the time of the incident. PO Koval confirmed that PO Dagnese searched § 87(2)(b)'s vehicle while investigating the odor of raw marijuana (Board Review 11).

Sgt. Stefopoulos testified to the CCRB that when he returned to § 87(2)(b)'s vehicle with § 87(2)(b) either PO Koval or PO Dagnese was conducting a vehicle search; Sgt. Stefopoulos could not recall if which officer searched the vehicle or if they both were. Sgt. Stefopoulos observed the strong odor of raw marijuana emanating from the vehicle. All the civilians were frisked and searched; Sgt. Stefopoulos did not recall which officers frisked and searched which individuals. Sgt. Stefopoulos explained that all the civilians were frisked and searched and the vehicle was searched incident to lawful arrest and because the strong odor of marijuana gave them probable cause to do so (Board Review 06).

Property voucher § 87(2)(b) documents that a backpack was recovered from § 87(2)(b)'s vehicle. A notation indicates that the bag had the strong odor of marijuana emanating from it (Board Review 16).

As noted above, property voucher § 87(2)(b) shows that one zip lock back of marijuana was recovered from the trash compactor during the arrest (Board Review 14).

In People v. Smith, 66 A.D. 3d 514 (2009), the court held that the smell of marijuana emanating from a vehicle provides officers with probable cause to search a vehicle and all its occupants (Board Review 17).

§ 87(2)(g)

§ 87(2)(g)

Allegation J—Abuse of Authority: Police Officer Jack Dagnese strip searched § 87(2)(b)

§ 87(2)(b) claimed that after Officer Dagnese frisked him, Officer Dagnese placed his hands in between § 87(2)(b)'s jeans and his undergarments to search around his thighs.

Conversely, Officer Dagnese stated that that he only conducted a frisk of § 87(2)(b)'s person in his statement to the CCRB.

§ 87(2)(g)

Under Patrol Guide Procedure 208-05 governing searches of arrested individuals, officers are permitted to conduct strip searches only when they reasonably suspect that weapons, contraband, or evidence may be concealed upon the arrestee in a manner not discovered by previous searches (Board Review 33).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first complaint with the CCRB (Board Review 18).
- This is § 87(2)(b)'s first complaint with the CCRB (Board Review 19).
- § 87(2)(b)
 - [REDACTED]
- § 87(2)(b)
 - [REDACTED]
- Sgt. Stefopoulos has been a member of service for 10 years. There are 52 prior allegations against Sgt. Stefopoulos stemming from 15 cases.
 - In CCRB case 201409178, allegations of threat of force, discourteous word, and hit against an inanimate object were substantiated against Sgt. Stefopoulos with charges. Sgt. Stefopoulos was found not guilty in an APU trial and no penalty was issued.
 - In CCRB case 201411079, a frisk and a search was substantiated against Sgt. Stefopoulos. The Board recommended Command Discipline A and the NYPD disposition was Formalized Training.
- PO Dagnese has been a member of service for seven years. There are 16 prior allegations against PO Dagnese stemming from six cases.
 - In CCRB case 201505084 a frisk allegation was substantiated against PO Dagnese. The Board recommended Formalized Training and the NYPD disposition was formalized training.
- PO Koval has been a member of service for five years. There are no prior allegations against PO Koval.

Mediation, Civil and Criminal Histories

- This case was ineligible for mediation because the civilians were all arrested.
- § 87(2)(b) has had no criminal convictions in the last ten years (Board Review 22).
- § 87(2)(b) has had no criminal convictions in the last ten years (Board Review 23).

- § 87(2)(b) [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- § 87(2)(b) [REDACTED]
 - [REDACTED]
- The criminal court cases that resulted from the civilians' arrests were dismissed after the Staten Island District Attorney's Office declined to prosecute them. § 87(2)(b), § 87(2)(a) 160.50 [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

Squad No.: 12

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date